

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

MONSANTO COMPANY and  
MONSANTO TECHNOLOGY LLC,

Plaintiffs,

VS.

E.I. DUPONT DE NEMOURS AND  
COMPANY and PIONEER HI-BRED  
INTERNATIONAL, INC.,

Defendants.

Case No. 4:09CV00686 ERW

**ORDER REGARDING DEFENDANTS' NOTICE  
TO COURT'S OCTOBER 31, 2011 ORDER  
ON PRIVILEGED DOCUMENTS**

The matter before the Court is Defendant's Notice [ECF No. 946] Concerning the Court's October 31, 2011 Order on Privilege Challenges.

When Defendants submitted Item No. 438185, the Court concluded that the documents submitted, 463468, 463469 and 463470, did not comport with the descriptions on the documents. See October 31, 2011 Order [ECF No. 939]. The Court's concern was that documents may have been substituted for those originally described. While the explanation made in support of privilege is less than what the Court expected, that it was the practice of an individual named Tracy Willits to post date documents, Defendants' counsels' representations, as officers of the Court will be accepted, and the Court rules that 463468, 463469 and 463470 are privileged, P.

So Ordered this 21st day of November, 2011.

E. Richard Walker

E. RICHARD WEBBER  
SENIOR UNITED STATES DISTRICT JUDGE